



**ONONDAGA COUNTY PUBLIC LIBRARY**

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**Susan A. Mitchell, Executive Director**

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December 3, 2015

**Subject:** Petition for Waiver of Form 472 (BEAR) Invoice #2269157 Deadline

**Schools and Libraries Program: CC Docket No 02-6**

**BEN:** 16065077 (Onondaga County on behalf of Onondaga County Public Library)

**FCC Form 471:** 983147

**Funding Request Number:** 2689290

**SPIN:** 143019354 (Fiber Technologies Networks, L.L.C.)

**Form 472/BEAR/Invoice Number:** 2269157

**Form 472/BEAR/Invoice Submittal Date:** October 20, 2015

**Form 472/BEAR/Invoice SPIN Certification Date:** November 13, 2015

**Form 472/BEAR/Invoice Amount:** \$133,614.90

**Requested Action:** we request that the deadline be waived for this now-certified BEAR Invoice #2269157 to allow USAC to process it, or to allow us to resubmit a form 472/BEAR/Invoice for our FRN #2689290. This is based on (1) our good faith effort to submit and have the form certified within the deadline, then within 14 days of the deadline, (2) the distracting/extenuating circumstances for us this year, as well as (3) the role of the library in providing online access for the many people in the city of Syracuse in extreme poverty.

**Background:** On October 20, 2015, the BEAR Invoice form for FRN #2689290 was submitted on-line in anticipation of the Invoice Deadline of October 28, 2015. The Service Provider did not certify the BEAR until November 13, 2015, after prompting. USAC did not approve the BEAR because it was certified by the Service Provider after the Invoice Deadline.

We acknowledge our responsibility to ensure that the Service Provider completes their certification before the October 28, 2015 deadline. And, the process this year was particularly challenging for us, causing us to fail to follow up before November 11, 2015 with the Service Provider:

- We are in the middle of a major building renovation project of our Central Library, requiring much of my attention as head of IT.

- Our Business Office staff was consolidated into another department in another location on October 15, with many of their tasks that staff did remaining with us, requiring us to learn and do new tasks.
- Our IT purchasing deadline was moved up at the last minute this year, to October 30. I am in charge of determining and submitting IT procurements.
- Several funding budget lines had been mistakenly closed, and only became available mid-October, causing delays in being able to submit IT procurements.
- Our procurement process changed almost daily between October 15 and October 30.
- We did not receive the cost of our telephony services until October 6.
- I was out of the office Oct. 5-9, October 21-23, and November 1-6.
- Our Administrative Director, a normal E-rate backup person, was hired in June 2015 and immediately plunged into our budget process, so not yet trained in E-rate. He also required significant training throughout this time period from all of us.

In addition, the Service Provider, Fiber Technologies Networks, L.L.C. - SPIN: 143019354, was merged with Lighttower Fiber Networks in August 2015 (<http://www.lighttower.com/company/news/press-releases/lighttower-closes-merger-with-fibertech-networks-to-double-its-network-reach-and-strengthen-its-position-in-u-s-networking-market/#.VlxwQsvrs1I> - URL accessed November 30, 2015), no doubt causing much distraction for their E-rate contact person.

I contacted USAC SLD regarding the status of our BEAR form on November 11, 2015. On November 12 USAC SLD confirmed that the form had been submitted but not certified by the Service Provider. I called the Service Provider. The person I spoke to let me know that contact person had not received information about our BEAR Invoice form. I forwarded the information from USAC SLD to the Service Provider who finally certified our form on November 13, 2015. This is within 14 business days of the deadline date, although not within 14 calendar days.

### **Decisions regretted which won't be repeated:**

- I waited until I had received the bills for our telephony services in October before submitting all of our BEAR Invoices to limit the number of times I dealt with the complexity of the BEAR invoices.
- In the previous year, I submitted invoice extension requests for all BEAR forms in fear of service providers missing the deadline. I did not want to do that this year, feeling it would clog up the system unnecessarily. Our other 4 BEAR forms were certified before the deadline this year.
- Although the most sensible backup person was not available, I should have walked through the process with someone else, putting into place follow up procedures with the Service Providers when I was out of the office

**Hardship:** A recent study determined that Syracuse (the major city in Onondaga County, population 145,170 in 2010) has the highest rate of extreme poverty concentrated among blacks and Hispanics



out of the nation's 100 largest metropolitan areas. In addition, the city has had an influx of roughly 10,000 refugees since 2000, expanding the number of census tracts in Syracuse considered to be in extreme poverty

([http://www.syracuse.com/news/index.ssf/2015/09/syracuse\\_has\\_nations\\_highest\\_poverty\\_concentrated\\_among\\_blacks\\_hispanics.html](http://www.syracuse.com/news/index.ssf/2015/09/syracuse_has_nations_highest_poverty_concentrated_among_blacks_hispanics.html) - URL accessed November 30, 2015). Syracuse City School District on-time graduation rate is on average only 51.9% and the dropout rate is 16.5%, although the graduation rate in the poorest area of town is just 30%.

The Syracuse city libraries, part of the Onondaga County Public Library, provide online computer access to support people in Syracuse without other access to the Internet, for job seeking (even janitorial jobs require online applications), English language learning, and general acclimatization, plus access for students to complete their homework (Syracuse City Schools is increasingly using and providing services via the Web).

The Onondaga County Public Library is one of the lifelines for our struggling city population. Since the city is so economically depressed, being able to add these reimbursements from the E-rate program for the fiber circuits and the Internet service to our budget is significant and helps us maintain this access for the people who sorely need it.

Respectively submitted,



Deborah J. Lewis

Administrator for System and Member Services *and*  
*E-rate contact person*

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**Attachments:**

- Form 472 (BEAR) # 2269157 Notification Letter
- Communication with Amy Ramirez at Lightower Fiber Networks, 11/13/15
- Form 472 (BEAR) # 2269157 certification notice email